IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6976 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

B A OZA

Versus

STATE OG GUJARAT

Appearance:

MR DC RAVAL for Petitioners

MR DA BAMBHANIA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/09/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioners, in all five in number, are working as Havaldar Quarter Master, Havaldar Storeman, Havaldar Clerk and Havaldar Accountant in the office of respondent No.2. The petitioners have stated that all these posts are equal and interchangeable and in the same cadre of Havaldar. They have come up before this Court

with the grievance that they have been denied the parity in the pay scale to their counterparts in S.R.P.F. as per the Government's own resolution. Reference has been made to the resolution dated 4th October, 1989. This parity has been claimed from 1-1-1986. Havaldar cadre is stated to be equivalent to the cadre of Head Constable Gr. I in S.R.P.F.. The pay scale of Head Constable Gr. I under the Revised Pay Scale Rules of 1987 is Rs.1320-2040 with effect from 1-1-1986. The part time Havaldars were given the pay scale of Rs.1320-2040 whereas the full time Havaldars were given the pay scale of Rs.1200-2040. The petitioners being offended of this action of the respondents have challenged the same before this Court.

3. Reply to the special civil application has not been filed by the respondents. Not only the reply has not been filed but during the course of arguments, the counsel for the respondents is also unable to give out any justification for this disparity. However, the counsel for the respondents very fairly submitted that the respondents will consider the grievance of the petitioners in case they make a representation in this respect. I consider it to be appropriate course to be adopted in this case because the respondent-State is an appropriate authority to first decide the question of parity in the employment as well as for fixation of pay scale.

4. In the result, this special civil application is disposed of with the direction to the petitioners that if they so desire may make a representation to the respondent No.1 in respect of their grievances made in this special civil application within a period of one month from the date of receipt of certified copy of this order and in case such a representation is made by the petitioners then the respondent No.1 shall decide the same in accordance with law as expeditiously as possible but not later than four months from the date of receipt thereof. In case the claim of the petitioners is not accepted then the respondent No.1 shall pass a reasoned order and copy of the same may be sent to the petitioners by registered post. In case of difficulty, liberty is given to the petitioners for revival of this special civil application. The special civil application and rule stand disposed of in the aforesaid terms with no order as to costs.

zgs/-